

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SABRINA W.,¹

Plaintiff,

v.

ANDREW M. SAUL,
Commissioner of Social Security,

Defendant.

No. 6:19-cv-00032-AC

OPINION & ORDER

MOSMAN, J.,

On September 16, 2019, Magistrate Judge John V. Acosta issued his Findings and Recommendation (“F&R”) [17], recommending that the Commissioner’s Motion to Dismiss [8] be denied. Neither party objected.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court


¹ In the interest of privacy, this opinion uses only the first name and the initial of the last name of the nongovernmental party in this case.

is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Acosta's recommendation and I ADOPT the F&R [17] as my own opinion. The Commissioner's Motion to Dismiss [8] is DENIED. The Commissioner is ordered to file and serve an answer, along with a certified copy of the transcript of the administrative record, within sixty (60) days of the entry of this order.

IT IS SO ORDERED.

DATED this 17 day of November, 2019.


MICHAEL W. MOSMAN
Chief United States District Judge